

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LAURENCE R. WAGNER,

Plaintiff,

v.

**PETE GEREN, Secretary of the
Department of Army,**

Defendant.

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CASE NO. 8:08CV208

ORDER

This matter is before the Court on the Defendant's motions (1) to dismiss for failure to name proper defendant; (2) to strike jury demand, and (3) to strike claim for damages. (Filing No. 17). Following the submission of briefs by both parties, the Plaintiff filed a Motion for Leave to File Amended Complaint (Filing No. 25) which was granted by Magistrate Judge Gossett (Filing No. 26). Plaintiff's Amended Complaint was subsequently filed on December 23, 2008 (Filing No. 27). The Defendant, Geren, has filed a Renewed Motion to Strike Jury Demand, and Motion to Strike Claim for Damages (Filing No. 29). In light of the filing of the Amended Complaint and the Defendant's renewed motion, the Defendant's Motion to Dismiss (Filing No. 17) will be denied as moot.

IT IS ORDERED:

The Defendant's Motion to Dismiss (Filing No. 17) is denied as moot.

Dated this 30th day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge